IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 1626 of 1995

Between:

Sannapureddi Chandrasekhara Reddy, S/o. Sanjeeva Reddy,
R/o. Navabupeta Village, Mailavaram Mandal, Cuddapah Dist.

..... PETITIONER

AND

1 The District Collector, Cuddapah.
2 The Revenue Divisional Officer,
Jammalamadugu, Cuddapah District.
3 The Mandal Development Officer,
Mailavaram Mandal, Cuddapah District.
4 The Head Master, Mandal Praja Parishad
Elementary School, Navabupeta village,
Mailavaram Mandal, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or other proceedings mostly one which is in the nature of Writ of Mandamus declaring the proceedings Rc.No.10/A/93, dated 25.01.1995 of the 3rd Respondent as illegal, irregular, arbitrary, unjustified, unsustainable and without jurisdiction and direct the respondents to run the school in the existing school building.

For the Petitioner: MR. P. VEERA REDDY, Advocate.

For the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed, seeking to declare the proceedings issued by the third respondent-Mandal Development Officer, Mailavaram Mandal, Kadapa District, in Rc.No.10/A/93, dated 25-01-1995 directing the fourth respondent-Head Master, Mandal Praja Parishad Elementary School, Navabupeta village to conduct classes in the new building constructed under Operation Black Board Scheme, as illegal and arbitrary and to direct the respondents to run the elementary school in the existing old school building.

The petitioner states that since forty years the Government has been running an elementary school with classes 1 to 5 by constructing single room building in Ac.0-50 cents of site gifted by his grand father viz. late Sanjeeva Reddy, situated in the midst of Navabupeta village of Kadapa District, and thereafter the school building was expanded to three rooms. Since it is an old building, repairs were also carried out to it with the funds of Assembly Constituency Development Programme. It is alleged that with a view to shift the existing school from that place, the then MLA of Jammalamadugu constituency and his party supporters by exerting pressure on the Government, got sanctioned a double room building under Operation Black Board Scheme and the new building was constructed far away from the village, and the third respondent by proceedings dated 23-12-1994 directed the Mandal Engineer Officer to handover the newly constructed building to the fourth respondent herein. The petitioner states that since the newly constructed building is not convenient and suitable to run a school, for the reason that it is constructed one and a half kilo metres away from the village nearby

burial ground, a group of villagers made a representation on 12-01-1995 to the first respondent-District Collector, who directed the second respondent-Revenue

Divisional Officer to enquire into the matter and submit a report. While the matter is under enquiry with the second respondent, the third respondent under the pressure and on the demands of local politicians issued the impugned proceedings directing the fourth respondent to conduct classes in the newly constructed building. Questioning the impugned proceedings, this present writ petition is filed.

Even though the writ petition was admitted in the year 1995, no counter affidavit has been filed by the respondents.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Establishment of a school depends on so many factors like administrative decision, availability of land, building, etc. Admittedly, the subject building was constructed ten years back and it has not been occupied till today. The fact that whether the subject building is suitable to run a school or not, is a question of fact which cannot be gone into in this writ petition.

Under the circumstances, I deem it appropriate to dispose of the writ petition in the following terms:

The petitioner is at liberty to submit a representation putting forth his grievances to the first respondent-District Collector, Kadapa, and on such representation, the District Collector, Kadapa is directed to consider and take appropriate decision in the matter, expeditiously. No costs.

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N.V. RAMANA, J

Date: 12-10-2004

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To

1 The District Collector, Cuddapah.
2 The Revenue Divisional Officer, Jammalamadugu,
Cuddapah District.
3 The Mandal Development Officer, Mailavaram Mandal,

Cuddapah District.
4 The Head Master, Mandal Praja Parishad Elementary School, Navabupeta village, Mailavaram Mandal, Cuddapah District.

5 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

6 Two CD copies.